



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Maynard Francisco BRENES,
Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

'07 MJ 8858

The undersigned complainant being duly sworn states:

That on or about October 18, 2007, within the Southern District of California, defendant Maynard Francisco BRENES, did knowingly and intentionally import approximately 24.90 kilograms (54.78 pounds) of Marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


LORENA MULVIHILL
Special Agent
Immigration and Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, October 19, 2007.


PETER C. LEWIS
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Maynard Francisco BRENES

4 STATEMENT OF FACTS

5 This complaint is based on the personal observations, investigation, and information
6 furnished to U.S. Immigration and Customs Enforcement Special Agent Lorena Mulvihill.

7 On October 18, 2007, at approximately 1418 hours, Customs and Border Protection
8 Officer (CBPO) J. Bejarano was assigned to primary lanes at the Calexico, California West Port
9 of Entry when a 2000 teal blue Ford F350 truck bearing Nevada license plate NV2685
10 approached for entry.

11 CBPO J. Bejarano encountered the operator and sole occupant of the vehicle identified as
12 Maynard Francisco BRENES. CBPO J. Bejarano received a negative Customs declaration from
13 BRENES. CBPO J. Bejarano requested CBP Canine Enforcement officer (CEO) S. Barela to
14 screen the truck with his Narcotic Detector Dog (NDD). NDD alerted to the truck. CBPO J.
15 Bejarano escorted BRENES and the truck to the vehicle secondary lot for further examination.

16 In the vehicle secondary area, CBPO J. Kierepka assumed responsibility for searching the
17 vehicle. CBPO J. Kierepka removed the gas tank of the vehicle and noticed packages floating in
18 gasoline within the gas tank. CBPO Kierepka probed a package exposing a green leafy substance,
19 which tested positive for marijuana. A total of twenty (41) packages, with a total weight of 24.90
20 kilograms (54.78 pounds) were removed from the vehicle.

21 BRENES was advised of his rights per Miranda. BRENES stated that he understood his
22 rights and was willing to waive his rights and make a statement. BRENES admitted knowledge
23 of the marijuana found in the vehicle.
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